

Vitter	Warner	Whitehouse
Voinovich	Webb	Wyden

NOT VOTING—14

Biden	Dodd	McCaskill
Burr	Ensign	Obama
Clinton	Inhofe	Roberts
Coburn	Martinez	Sanders
Crapo	McCain	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is laid on the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until the hour of 12:30 with Senators permitted to speak therein for up to 10 minutes each and the time equally divided between the leaders or their designees, with the Republicans in control of the first half of the time and the majority in control of the second half.

The Senator from Texas.

VETERANS FUNDING

Mrs. HUTCHISON. Mr. President, I rise to discuss an issue that is important for our country. That is the appropriations bill for Veterans and Military Construction.

The Senate and House Appropriations Committees worked together in a bipartisan way to craft a bill that fully funds the Veterans' Administration and Military Construction for the quality of life of our troops. However, we became bogged down last week because the Senate and House leadership decided they would put forward a combination of bills that have no relationship to each other. The Labor-Health and Human Services bill and the Veterans' Administration-Military Construction bill. Under normal circumstances, that might be fine. We have had omnibus appropriations bills before. But there was one problem. That is, the President had already said he would sign the Veterans bill, but he would veto the Labor-Health and Human Services bill. So the combination of these bills was destined to assure a veto.

The Veterans and the Military Construction legislation should go forward on an expedited basis. I call on this Congress to do that. There is no reason—there is no substantive reason, no commonsense reason—we should delay a bill that has been agreed to by Republicans and Democrats and could easily pass the House and Senate and be sent to the President before the end of this week.

Yesterday we had celebrations all over the country for veterans, saying

how much we appreciate their sacrifices and what they have given to our country. Today we come back to work, and we still don't have a Veterans' Administration funding appropriations passed for this year. It is not that the veterans' needs are not going to be funded, because we are in a continuing resolution that assures the basic things will be done. But what isn't going to be done is the new priorities we put in this legislation on a bipartisan basis. We have added more funding for research into prostheses, artificial arms and legs, because those are the kinds of injuries our troops are coming home with. They are becoming veterans because, of course, they can no longer serve in Active Duty.

I will digress for one moment and say that when I visit Walter Reed or the Center for the Intrepid in San Antonio where young men and women who have come home injured from Iraq and Afghanistan are being rehabilitated, they complain because they are being put out of Active-Duty military. That is the kind of spirit these young men and women have. They will be maimed. They will have lost arms or legs; they will be burned. Yet they will say: Senator, I want to go back. I want to be with my comrades.

Of course, we are going to take care of those young men and women who have sacrificed so much through our Veterans' Administration. We have new priorities in these bills that will put more into research and rehabilitation for these brave men and women. We also have a new burn unit initiative to do more research on our burn victims. Many of our troops come back with mental health problems. We are establishing more research and centers of excellence for post-traumatic stress syndrome in the bill that has been agreed to.

All I am asking this morning is, why not pass this bill right now? We have a formality of calling a new conference committee on the separate bill. That could be done today. We have agreement. There is no reason not to fund these new priorities. I call on the Senate and House leadership to make it happen. There is no excuse. We have new priorities. We have bipartisan agreement.

My message to the leadership is: Let's trust our committee members. Let's trust the leadership on the committees. Democrats and Republicans came together. We increased the President's budget. We increased his request. He said: OK, because he knew how important it was that we fully fund the health care needs of our veterans.

Let me tell you another priority in this bill. We have heard story after story of people leaving the Active Duty, usually because of injuries, going into the veterans system. But what happens? There is a long delay, sometimes months, before the veterans' benefits kick in. These are injured warriors. In our bill, we have funding so

those applications can be processed more quickly. We are trying to streamline leaving the Active-Duty military and going into the veterans system. That is in the bill that is languishing this week in Congress.

I call on our leadership to do the right thing. Let's put politics aside. We can take up the Labor-Health and Human Services bill in due course. But today we have a bill with bipartisan agreement that requires a mere formality of calling the conference committee, having the House pass it, the Senate pass it, and sending it to the President. We can celebrate a joint bipartisan victory with Congress and the President coming together. That is what the American people expect. That is what they are looking for in Washington. When we see the approval ratings of Congress and the President so low, why don't we try a new approach? Why don't we do something everyone can celebrate? That is, fund our veterans and military quality-of-life issues this week. It can be done. I call on the congressional leadership to do it. The President has said he will sign it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I associate myself with the comments made by the Senator from Texas. She is right. I serve on the Appropriations Committee with her and have worked on veterans issues with her. I very much am joining her in this effort to try to get this veterans bill passed because it is extremely important.

FINDING SOLUTIONS

Mr. ALLARD. Mr. President, now, this year, the Senate has voted on Iraq over 20 times. We have voted on Iraq in the middle of the night. We have voted on Iraq on a Saturday. We have voted on cloture, points of order, motions to waive, and other permutations of the majority's desire to appease moveon.org and other radical constituencies regarding the war in Iraq.

Although Iraq is important, we have ignored other important business. Just last week, we just sent our first appropriations bills to the President, 38 days into the new fiscal year. We just voted on the Attorney General nominee, 45 days after it was sent to the Senate. We have yet to address next year's veterans health care funding needs, 2 days after Veterans Day.

The uncomfortable fact for those who would have us consider nothing not urged by the radical left is we stayed the course in Iraq, followed the plan for the surge as developed by the Pentagon, and we are now seeing the results there—but none here. Every day the situation improves some in Iraq. Every day there are more new stories showing that the country is moving somewhat out of its depths.

Allow me to read some of the news reports.

USA Today, November 13:

The number of roadside bombs found in Iraq declined dramatically in August and September.

Here is the New York Times, November 8:

American forces have routed Al Qaeda in Mesopotamia, the Iraqi militant network, from every neighborhood of Baghdad, a top American general said today, allowing American troops involved in the "surge" to depart as planned.

Here is a quote from the Washington Post of November 8:

The drop in violence caused by the U.S. troop increase in Iraq has prompted refugees to begin returning to their homes, American and Iraqi officials said Wednesday.

This is from the Associated Press, November 8:

Dramatic progress seen in Baghdad neighborhood.

And back to USA Today, from November 7:

With security improving in Iraq, commanders are now considering how to reduce the U.S. presence without losing hard-fought security gains.

So we are seeing progress in our task in Iraq. But the business we set aside here in the Senate on other important issues is left alone.

Every day our gas prices rise because we have not made meaningful efforts to improve our Nation's energy independence. Every day we grow closer to the looming entitlement spending crisis. Every day we draw closer to the expiration of the tax cuts that did so much to buoy our economy in the face of 9/11 and the Internet bubble crash of earlier this decade and even now help us ride through the oil and housing shocks to our economy. Every day we see greater lawlessness on our borders and confront a greater illegal immigration problem because we have not passed significant border security funding.

The Senate is sometimes referred to as the world's greatest deliberative body. But that compliment is not supposed to summarize the sole responsibility of this institution. We are not just here to deliberate and ruminate and ponder; we are also supposed to act. Meaningless vote after vote on ultimately pointless proposals is good politics, perhaps, but not good government. It is not suitable for the Senate to spend weeks and weeks ignoring the people's business so that we can score political points and mouth the key shibboleths on the war on terror or by appeasing special interest groups.

SCHIP expired on September 30. It is imperative that Congress reauthorize the current program to ensure children of lower income families still receive health coverage. Yet we make due with a short-term reauthorization so that political points can be scored at the expense of sound policy and practical government.

The farm bill expired on September 30, and we are here trying to squeeze in the work required to reauthorize it in the weeks before Thanksgiving, when we still have all but two appropriations bills to pass.

It is obviously too late to fix things this session. I know we will be here to the point where we are shopping for holiday presents at the Senate Gift Shop rather than back home. But I hope the American people are taking notice of what little we have accomplished this year and demand better next year. We must stop mining the Nation's problems for partisan sound bites and try to find solutions.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2334 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Thank you very much, Mr. President.

LAW OF THE SEA TREATY

Mr. VITTER. Mr. President, I wish to address the Senate and, indeed, our fellow citizens around America today about a very important matter before the Senate, the Law of the Sea Treaty. We have been studying this treaty in great detail in the Foreign Relations Committee, and it is a matter that could eventually come before the entire Senate.

I started this process, looked at the treaty, began to read it with a completely open mind. But as I got into the details of it—the significant details that would govern our laws, our activity—if we were to become a full participant in the treaty, many concerns began to mount in my mind. So I wish to come before the full Senate and before the American people to outline some of those concerns in great detail.

To begin with, let me say there are many good, productive, positive provisions of the Law of the Sea Treaty. I strongly support the same provisions the U.S. Navy supports and that personnel and admirals from the Navy have testified in favor of. That is really not the issue. The issue is the treaty as a whole and all of the provisions taken together and whether we should pass the treaty as a whole because we have no choice but to consider the whole, not simply one provision or the other.

This treaty has been around for many years—in fact, decades. It was negotiated decades ago. President Reagan, during his administration—very correctly, I think—rejected the treaty as it stood then. Because of that bold rejection, negotiators went back to the bargaining table and changed some significant aspects of the treaty. Now, those were improvements, but they don't in any way affect the main concerns I have about the Law of the Sea Treaty, and that is the fundamental baseline threat that the United States would be ceding our autonomy, our control over our own future to other international organizations that often don't have our best interests in mind.

So that is my fundamental concern. The renegotiation doesn't change that in any way. The testimony of the Navy doesn't even touch on that because it is about other provisions of the treaty. But my main concern with the Law of the Sea Treaty is the United States cedes autonomy to binding international tribunals—gives up American prerogatives, U.S. power, to binding international tribunals which, in the current international context, I do not think would often have our best interests in mind.

So why do I say that? Well, it is very important to look at the specific provisions of the treaty. We have been debating and discussing this in the Foreign Relations Committee. We have had numerous so-called expert witnesses. I am constantly shocked about how many participants in this discussion, quite frankly, including many expert witnesses, clearly haven't read all of the significant and important provisions of the treaty.

One of the most important provisions of the treaty has to do with these arbitral tribunals, these courts, if you will, that would have binding authority over all treaty participants, including the United States if the United States were to become a full treaty participant. So in other words, when disputes arise under the treaty, how do you resolve the dispute? You go to court. That court, if you will, that special tribunal, has binding authority over the parties to the dispute.

There are different sorts of these tribunals. One sort is called a special arbitral tribunal. Under that, under Annex VIII, the United States, again, cedes binding authority to these special tribunals in disputes about fisheries, the marine environment, marine scientific research, and navigation.

What is wrong with that? Well, I think what is wrong with it—or at least the threat it poses to the United States becomes clear when you look at the nature of this tribunal. It is a five-person body and simple majority rules. Now, who appoints the people? Well, both parties to a dispute pick two panelists. So if we were brought into court, if you will, by another country, that other country opposing our views, opposing our interests, would pick two panelists, and we would pick two panelists. What about the fifth panelist?